

OLC 72-0933B

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14 September 1972

SUBJECT: Report to House Committee on Government Operations
Concerning "Federal Real and Personal Property
Inventory Report"

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D. C. 20505

OFFICE OF THE DIRECTOR

71-0946
Bldg + Mr
26-11
(Real Property)

Mr. James McAleer
Property Review Board Staff
Office of Emergency Preparedness
Executive Office Building Annex
Washington, D. C. 20504

Dear Mr. McAleer:

The Director of Central Intelligence has asked me to reply to the letter of Mr. Darrell M. Trent of March 1, 1971, requesting information concerning the statutory authorities pursuant to which the Agency acquires or disposes of interests in real property.

In the majority of instances, the acquisition or disposal of this Agency's interests in real estate is handled by the General Services Administration. Acquisition functions are carried out under the authority of the Public Buildings Act of 1959, as amended, P. L. 86-249 (approved September 9, 1959), 73 Stat. 479, while disposal actions are effected pursuant to the Federal Property and Administrative Services Act of 1949, as amended, P. L. 81-152 (approved June 30, 1949), 63 Stat. 377.

The Agency, however, has been given additional authority with respect to real estate and this is contained in the Central Intelligence Agency Act of 1949, as amended, P. L. 81-110 (approved June 20, 1949), 63 Stat. 208. Section 8 of that Act provides in part that:

"(a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including--

"(1) ... acquisition of necessary land and the clearing of such land; construction of buildings and facilities ... repair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances ...

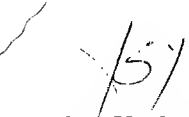
"(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified."

Section 5 of the Act authorizes the Agency to "(M)ake alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended"

The above authorities in the Agency's 1949 Act are used in those instances in which security or operational considerations are such that referral to the General Services Administration is not deemed appropriate.

We have found no problems to date, under existing legislation, in carrying out those requirements which are levied on the Agency, either internally or externally, which pertain to the acquisition or disposal of interests in real estate.

Sincerely,


L. K. White
Executive Director

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CONCUR:

(signed) John W. Coffey

John W. Coffey
Deputy Director
for Support

19 MAR 1971

Date

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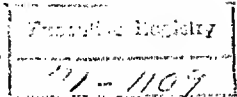
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EXECUTIVE OFFICE OF THE PRESIDENT

PROPERTY REVIEW BOARD
WASHINGTON, D.C. 20501



March 1, 1971

Honorable Richard Helms
Director of Central Intelligence
Washington, D. C. 20505

Dear Mr. Helms:

In connection with the activities of the Property Review Board, it has become necessary to establish a listing of all statutory authorities relating to the acquisition and disposal of real property, or any interest therein.

You are therefore requested to furnish within 30 days a complete listing of all statutory authorities by which your agency may acquire or dispose of any interest in real property. The listing should include:

1. all statutory authorities, including appropriation acts;
2. acquisition or disposal by any means, including, by way of illustration, purchase, gift, devise, exchange, option, and foreclosure (authorities relating to the disposal of public domain lands should not be included);
3. the appropriate citation to the authority, as well as a brief description of the authority; and
4. a description of, and citation to, constraints on the use of the authority, other than intra-agency reviews, approvals, delegations (examples of such constraints would include OMB approval, clearance by Congress, congressional authorization required, etc.).

Additionally, it is requested that you identify any problem areas that exist in the acquisition and disposal of real property that are caused by existing statutes, and submit any suggestions that you may have for changes in, additions to, existing legislation which would make the acquisition and disposal of real property a more efficient and effective operation.

Your prompt attention to this request will be appreciated. Replies should be addressed to James McAleer, Property Review Board Staff, Office of Emergency Preparedness, Washington, D. C. Any questions regarding this request should be referred to Herman W. Barth, Chairman of the Property Review Board Subcommittee on Legislation, General Services Administration, phone 343-2155 or to James McAleer, phone 395-5850.

Sincerely,


Darrell M. Trent
Executive Secretary

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EXECUTIVE OFFICE OF THE PRESIDENT
PROPERTY REVIEW BOARD
WASHINGTON, D.C. 205037

71-1109

DD/S 71-0762

March 1, 1971

Honorable Richard Helms
Director of Central Intelligence
Washington, D. C. 20505

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Sincerely,



Darrell M. Trent
Executive Secretary